

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

SANTIAGO M. SHAW,

Petitioner,

v.

No. 1:22-cv-01011-JDB-jay

WARDEN P. BOULET,

Respondent.

ORDER GRANTING MOTION TO TRANSFER VENUE,
VACATING ORDER TO RESPOND,
AND
TRANSFERRING CASE

Petitioner, Santiago M. Shaw, has filed a pro se habeas corpus petition (the “Petition”), pursuant to 28 U.S.C. § 2241.¹ (Docket Entry (“D.E.”) 1.) The inmate alleges that the Federal Bureau of Prisons is miscalculating his release date. On April 21, 2022, the Court directed the Respondent, Warden P. Boulet, to respond to the Petition (“Order to Respond”). (D.E. 6.) Respondent has filed a motion to transfer venue (D.E. 11), to which he has attached documents evidencing Petitioner’s place of incarceration (D.E. 11-1 & 11-2). For the following reasons, the motion is GRANTED, the Order to Respond is VACATED, and the case is TRANSFERRED to the Southern District of Mississippi.

A § 2241 petition must be brought against the prisoner’s custodian in the district in which the custodian is located. *United States v. Garcia-Echaverria*, 374 F.3d 440, 449 (6th Cir. 2004). In his motion to transfer venue and supporting documents, Respondent represents and establishes

¹ Shaw originally filed the Petition in his pending 28 U.S.C. § 2255 case as a motion to amend. (*See Shaw v. United States*, No. 1:20-cv-01082-JDB-jay, D.E. 25 (W.D., Tenn.)). By ordered dated January 19, 2022, the Court directed the Clerk to file the motion to amend, together with the document at D.E. 29 in that case, as the case-initiating pleading in the present matter. (*Id.*, D.E. 30.)

that Petitioner is incarcerated at the Federal Correctional Institution Medium in Yazoo City, Mississippi, which is in the Southern District of Mississippi. *See* 28 U.S.C. § 104(b). Respondent is the warden of that facility, but the case was not brought in that district. For good cause shown, the motion to transfer venue is GRANTED.

The Order to Respond is hereby VACATED. It is ORDERED, pursuant to 28 U.S.C. § 1406(a), that this case is TRANSFERRED, forthwith, to the Southern District of Mississippi. The Clerk is DIRECTED to close this case without entry of judgment. The Clerk is FURTHER DIRECTED not to file any documents in this closed case. Any documents received from Petitioner should be forwarded to the transferee court or returned to Petitioner, as appropriate.

IT IS SO ORDERED this 17th day of May 2022.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE